

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BOISEY CALDWELL,

Plaintiff,

-v.-

OFFICER GERMAN GERONIMO,

Defendant.

19 Civ. 8253 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

By Order dated October 15, 2020, the Court denied Plaintiff's request that the Court order Defendant to produce the City of New York's complete "use of force records from 2010-2020." (Dkt. #86). In so doing, the Court noted that it had previously dismissed the City as a defendant due to Plaintiff's failure to state a claim for municipal liability under *Monell v. Department of Social Services of City of New York*, 436 U.S. 658 (1978), and that the records Plaintiff requested were more relevant to such a *Monell* claim than to his claim against Defendant Geronimo. (*See id.*). The Court further stated:

Following the Court's dismissal of Plaintiff's claims against the City of New York, Plaintiff did not seek to amend his Complaint to allege additional facts that might support a *Monell* claim. However, Plaintiff's recent filings with the Court suggest that he desires to pursue theories of municipal liability. Although his window of time to amend his Complaint as a matter of right has now passed, Plaintiff still may seek to do so with the Court's leave.

(*Id.*)

Plaintiff has now filed two documents with the Court styled as a "Response to court order of 10/16/20 – Rule 15(A)(2) and Rule 12(b) Amended Pleading for Municipal Liability," (Dkt. #92), and an "Affidavit of Support for

Rule 15(A)(2) and Rule 12(b) Amended Pleading for Municipal Liability,” (Dkt. #91). The Court interprets these documents as a motion for leave to amend pursuant to Federal Rule of Civil Procedure 15(a)(2).

Accordingly, Defendant is hereby ORDERED to file any opposition to the motion on or before **November 20, 2020**.

The Clerk of Court is ordered to mail a copy of this Order to Plaintiff at his address of record.

SO ORDERED.

Dated: November 6, 2020  
New York, New York

A handwritten signature in blue ink, reading "Katherine Polk Failla".

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KATHERINE POLK FAILLA  
United States District Judge